

**CALIFORNIA COASTAL COMMISSION**

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**W 21b**

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Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-01-184**APPLICANT:** Department of Transportation (Caltrans)**AGENT:** Stephanie Reeder, Aziz Elattar, Ron Kosinski

**PROJECT LOCATION:** Lincoln Boulevard: west side between Loyola Marymount University (LMU) Drive (formerly Hughes Terrace) and Jefferson Boulevard; medians and east side between Jefferson Boulevard and Fiji Way; Westchester, Play Vista, and Palms Districts, City of Los Angeles; and Marina del Rey, Los Angeles County.

**PROJECT DESCRIPTION:** Second step of three-step process to expand Lincoln Boulevard to six to eight travel lanes between LMU Drive (Hughes Terrace) in Westchester and Fiji Way the Marina del Rey. Work in coastal zone includes (1) between Hughes Terrace and Teale Street widen Lincoln Boulevard to 4 lanes northbound and to 3 lanes southbound; fill up to approximately 8 feet, add medians and construct sidewalks on the east side of roadway; (2) Between Teale Street and Jefferson Boulevard, beginning 624 feet south of Jefferson Boulevard, widen Lincoln Boulevard to 3 lanes total in each direction, add sidewalk on eastern side of street; (3) Between Jefferson Boulevard and Ballona Creek, widen road 32 feet east (inland), restripe lanes to provide a total of three lanes in each direction, and add medians; (4) between Ballona Creek and Fiji Way (near Culver Boulevard) widen east side of road as much as 10 feet, restripe to 3 lanes in each direction, and add medians; (5) along entire project, re-stripe to three to four travel lanes each way; add gutters, drains, curbs, dikes and deceleration lanes near intersections. Total grading is 66,529 cubic yards. In that total, 59,289 cubic yards are fill; 7,232 c.y. are cut. 52,056 c.y. are import, 1,405 c.y. are export.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending **DENIAL** of the request for approval to widen this segment of Lincoln Boulevard to up to eight lanes. Lincoln Boulevard is a four-lane highway that

extends north from Westchester through a notch in the Ballona bluff to Venice and Santa Monica. In this area, Lincoln Boulevard is presently a four-lane road except at Jefferson Boulevard, where there is a double left turn lane (permit waiver 5-00-139W).

Between the Ballona bluffs and Fiji Way, Lincoln Boulevard extends through the historic Ballona wetlands, large areas of which have been drained, filled and seriously impacted by human activities. In 1991 the United States Army Corps of Engineers and the Department of Fish and Game agreed that there were 170.56 acres of wetlands still existing directly to the west of this road, and south of the Ballona channel (Area B Playa Vista). In 1991, the Commission agreed to permit fill of 6.9 acres of state wetlands west of Lincoln (3.7 acres of Corps Wetlands), and dredging of other adjacent wetlands to create a 26.1-acre "Freshwater Marsh" located directly west of Lincoln Boulevard and south of Jefferson Boulevard (5-91-463).<sup>1</sup>

This road would not impact this newly constructed freshwater marsh or fill any existing wetland. This roadwork extends into areas that the Commission permitted to be filled and disturbed during construction of the Freshwater Marsh. The road is so close to the toe of the berm of the freshwater marsh that there is no room for any sidewalk or other pedestrian facility between the shoulder of the road and the berm. The present project does not provide adequate parkways, pedestrian walks or connection to the Freshwater Marsh. It would be possible to provide this if the project used narrower lanes or if it were widened to a six-lane road rather than an eight-lane road. Caltrans now indicates that it could provide refuges for pedestrians at intersections and a connection to the top of the marsh berm, which is about eight feet above the level of the road.

The road widening would convert Lincoln Boulevard in this area to an eight-lane super-major highway, which, as designed, could act as a barrier to pedestrians and bicyclists, and to the future residents of Playa Vista. While a north-south route can carry additional traffic, if Lincoln it is widened and managed as an ultra high-speed highway, the newly widened highway might reduce access from east to west. A road of this width and speed is a barrier for pedestrians and bicyclists unless measures are taken to improve access across the road. The reconstruction of a neighborhood arterial as a high speed super-major highway is not compatible with the four lane segments of Lincoln Boulevard that are located to the north, in Venice and Santa Monica, that are dominated by storefront commercial development and retains a community character that is compatible with pedestrians, including walk streets and small shops. While much of the commercial development along Lincoln in Marina del Rey, Venice and Santa Monica

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<sup>1</sup> After the Commission acted, the Department of Fish and Game changed its estimate of the amount of wetlands in Area B Playa Vista from 120 acres to 171 acres. Some of the newly designated wetlands were located in the area subject to the Freshwater Marsh, which is adjacent to this project. The change increased the wetlands area disturbed by the Freshwater Marsh but did not change the amount of wetlands that were filled—the remaining newly designated wetlands (a degraded salt marsh) were dredged and reconfigured as a freshwater marsh. Please see Exhibit for an overlay showing fill of wetlands in this area for the freshwater marsh. The Commission reviewed a table at the time and indicated that 0.1 acres of the fill in the freshwater marsh project was attributable to widening Lincoln Boulevard.

consists of minor shopping centers, supermarkets and mini-malls that have their own parking lots, a significant proportion of it is still served by on-street parallel parking, which requires slower traffic, and which also depend, on the preservation of on street parking to continue to exist. Caltrans proposes to taper the width of the road so that the width of the road and the speeds of the vehicles would gradually diminish before it reached the bridge over Ballona channel. When the next segment is constructed, Caltrans plans to narrow the road before it reached Mindanao Way. The widened road also raises serious issues of functional, physical and visual compatibility with park and habitat areas that are being considered for the undeveloped portions of the Playa Vista property both east and west of Lincoln Boulevard.

The road does not provide adequate connections to existing mass transit facilities. Santa Monica Transit Line 3, a major bus line that connects the City of Santa Monica with the Airport, runs down Lincoln. There is not adequate space in the present design to provide sidewalks that are wide enough to accommodate high capacity bus stops. The Phase I Playa Vista project includes transit elements (internal jitneys to reduce internal automobile trips) and has at the behest of Caltrans contributed to the purchase of extra buses, yet the road, as now proposed, has no sidewalks, bicycle lanes or bus stops on its west side. It does include a four to eight foot unimproved shoulder, and Caltrans in response to this issue has offered to provide bus stops and pedestrian refuges along the west side of the highway.

The Department of Transportation project report indicates that this and a related project will result in an eight- to ten-lane road between LMU Drive and Fiji Way, and that other projects will provide additional width farther north in the future to accommodate traffic expected to be generated by growth. As such, this segment of road is part of a larger project, which Caltrans divided for funding reasons. In December, Caltrans submitted an application for a coastal development permit for widening Lincoln from Jefferson to Fiji Way and rebuilding a bridge. This second project does overlap with the present project—removing the taper or partial widening installed in this project, and resulting in an eight-lane road from LMU to Fiji way. The separation into two projects is confusing, but most of the work in this present project takes place south of Jefferson, and most of the work in the second, northerly project consists of doubling the width of the bridge over Ballona Creek and widening the approaches to the bridge both north and south of the bridge to eight lanes. For reasons inherent to its budgeting process, the project description of both projects includes work from just north of the Airport to Fiji Way, even though the work in some are includes only road repair.

The application for the second phase of the project (the bridge and widening the approaches) is not complete (5-01-450, Lincoln Boulevard widening from Jefferson to Fiji Way). Due to permit-streamlining act deadlines, the Commission cannot consider the two projects together, but under Section 15165 of the CEQA guidelines, it cannot

approve the projects separately.<sup>2</sup> Caltrans representatives insist that each segment can function separately, and question whether both projects need to be heard at the same hearing. Unless it considers both projects separately, the Commission cannot evaluate the combined impacts of the projects, or the feasibility of possible changes that could improve the project's consistency with the Coastal Act. The staff is recommending denial of the project until the Commission can consider both road-widening efforts together. The applicant insists that this proposed phase has benefits on its own, that approval of this phase would not commit the commission to approve the bridge project, and that each phase can function separately. This is true, if the Commission will accept the location of each of the roads as given, and does not determine that it is necessary leave the option of relocating the widening to the east, farther from the freshwater marsh and the wetlands in Area B, or if it does not want to consider changing the number of lanes.

As Caltrans points out in its application, there are planning processes underway that would examine the future traffic improvements as well as the view protection needs of the Lincoln Corridor. Los Angeles City and County, Culver City and Santa Monica have formed a task force to investigate traffic improvements and design alternatives for the Lincoln Corridor cooperatively. These elements include transit alternatives, design alternatives visual quality as well as coordinated traffic improvements. Another issue that is to be addressed in this cooperative effort is the enhancement of views along and from Lincoln Boulevard. While it is unrealistic to halt development pending a planning program that is not moving quickly, it is realistic to assure that the elements required to be investigated by the task force are also incorporated into this review as Lincoln Boulevard is widened. **The motion is found on page 7**

#### **STAFF NOTES:**

**A. LOCALLY ISSUED PERMITS UNDER 30600(b).** The City of Los Angeles has assumed the responsibility of issuing coastal development permits within its boundaries as permitted in Section 30600(b) of the Coastal Act, which allows local governments to review and issue coastal development permits prior to certification of a Local Coastal Program (LCP). Section 30600(b), however, provides that local governments do not have jurisdiction to issue coastal development permits under this program to public agencies over which they do not normally have permitting authority, such as schools and state agencies. Therefore, unlike many other projects that the Commission has reviewed in the City, this project has not received a coastal development permit from the City of Los Angeles.

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<sup>2</sup> Under CEQA section 15165, "Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency shall prepare a single project EIR for the ultimate project as described in section 15168. " The total undertaking comprising one project is all traffic mitigation measures/road expansion that Playa Vista Capital will undertake for Phase I, as approved by the City.

Section 30600 states in part:

**Section 30600**

(a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.

(b) (1) Prior to certification of its local coastal program, a local government may, with respect to any development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620, and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit. Those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government.

(2) **A coastal development permit from a local government shall not be required** by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, **or for any development by a public agency for which a local government permit is not otherwise required.** (Emphasis added)

The City of Los Angeles does not have permit jurisdiction over development carried out by the State Department of Transportation elsewhere in the City of Los Angeles. Therefore, the Department of Transportation has applied directly to the Commission for this coastal development permit for the development that is proposed inside the Coastal Zone.

**B. Jurisdiction of Los Angeles County under its certified Local Coastal Program.** There is a certified local coastal program for the Marina del Rey. After certification of a local coastal program, the local government of the area has jurisdiction over all development within the area of its certified LCP including development undertaken by state agencies. Section 30519 provides that:

**Section 30519**

(a) Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof.

(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.

The reason that the local government has jurisdiction over a project proposed by a state agency is that in adopting and implementing its LCP, the local government is implementing a state law. The boundary between in the City and County in the Marina del Rey/Playa Vista area is the inland boundary of the Lincoln Boulevard right-of-way. There are two segments of Lincoln Boulevard in this area that are in the County jurisdiction—the Marina del Rey segment, which is certified, and the Playa Vista Area A segment, which is not. The Commission effectively certified Los Angeles County's Local Coastal Program for Marina del Rey in December 1990. The certified Marina del Rey segment extends northward from the southern edge of the Fiji Way right-of-way and extends past Bali Way to the City of Los Angeles/Los Angeles County boundary at the inland side of the old Pacific Electric right-of-way. This segment includes the entire width of Lincoln Boulevard that is adjacent to it. A coastal development permit is needed from Los Angeles County for any development on Lincoln Boulevard in this area that requires a coastal development permit.

In this case, the work that is proposed in the certified segment of the Marina del Rey consists of intersection improvements, repair of the road surface and installation of a raised median strip at the intersection of Mindanao and Lincoln. The actual work planned in this section of road does not include any road widening, and may be exempt under a categorical exclusion, unless the number of lanes will change. The categorical exclusion is entitled: "Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements." It was approved by the Commission on September 5, 1978 and subsequently incorporated into the certified Los Angeles County LCP (Section 22.56.2290(4) of the County Code.) The categorical exclusion specifically exempts "installation of or expansion of retaining walls safety barriers and railings and other comparable development within the existing right-of way as specified below." Since the Los Angeles County now has coastal permit jurisdiction, Caltrans approached the County to determine whether the proposed work is covered under the categorical exclusion. The County has determined that the proposed work on the median is excluded from permit requirements.

The portions of Lincoln Boulevard that are located in the Los Angeles County Playa Vista Area A are not located in a certified area. Area A extends from the southerly side of the Fiji Way right-of-way southward, to the southerly edge of Ballona Creek bank, and includes the entire width of Lincoln Boulevard. Because certification of this segment is

deferred, the Commission retains jurisdiction over the part of Lincoln Boulevard that is located in Playa Vista Area A.

**APPROVALS RECEIVED:**

1. Categorical Exemption CEQA, Caltrans

**I. MOTION, STAFF RECOMMENDATION AND RESOLUTION**

Staff recommends that the Commission deny the permit, and make the following motion and adopt the following resolution.

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 5-01-184 for the development proposed by the applicant.*

**STAFF RECOMMENDATION OF DENIAL:**

Staff recommends a **NO** vote. Failure of this motion will result in **DENIAL** of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO DENY THE PERMIT:**

The Commission hereby **DENIES** a coastal development permit for the proposed development on the ground that the development would not conform with the policies of Chapter 3 of the Coastal Act, and approval would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A. PROJECT DESCRIPTION AND LOCATION**

This is part of a three-part program, two of which are Caltrans projects, to widen Lincoln Boulevard to accommodate both existing and expected growth. Lincoln Boulevard is part of Pacific Coast Highway (California Route One), linking Malibu and Route 10 with the Airport and then, as Sepulveda Boulevard, with the South Bay cities. Lincoln Boulevard has traditionally been a four to six-lane major highway, except adjacent to the Marina del Rey where it is now widened to eight lanes near the end of the Route 90/Marina Expressway. Lincoln is the westernmost major north-south route in the Venice/Santa Monica/West Los Angeles area. There is only one continuous north-south route west of Lincoln Boulevard. Formerly, Pacific Ave and Speedway extended from Santa Monica to Playa del Rey, but the construction of the Marina del Rey permanently interrupted this



route. Santa Monica Airport and the Santa Monica hills interrupt Centinela connects to Bundy, which extends as far north as Sunset, but through much of its route, a significant number of dwelling units would be displaced if the City engaged in major widening north of Ballona Creek. Playa Vista is already required to make some improvements to Centinela (Exhibit 17). Because of the absence of another continuous route, Lincoln Boulevard has been very heavily used as growth has occurred.

The two-stage project would widen portions of Lincoln Boulevard from LMU Drive (formerly Hughes Terrace) to Fiji Way, to eight lanes. From LMU Drive to Culver Boulevard, the widening is a required mitigation measure in the EIR for the First Phase Playa Vista project. Irrespective of the impact expected from these projects, numerous other projects over the years have increased traffic levels on Lincoln Boulevard, which is now at level of service (LOS) F (stop and go) during evening and morning peak hours at certain key intersections.

The present project consists of the following development:

Work in coastal zone, as described by Caltrans, includes:

- (1) Lincoln Boulevard between LMU Drive and Jefferson Boulevard; expand right of way west between 65 and 75 feet; widen to eight lanes; fill up to 8 feet to raise grade, add medians at Lincoln and Jefferson, realign intersection at Teale Street, install turn pockets, and sidewalk on east (inland) side of street;
- (2) Lincoln Boulevard between Jefferson Boulevard and Ballona Creek move edge of paved roadway 32 feet east (inland), re-stripe lanes to accommodate no more than three lanes each way,
- (3) Lincoln Boulevard between Culver Boulevard and Fiji Way (near Culver Boulevard) expand paved roadways east about 10 feet;
- (4) Along entire project, re-stripe to three and four travel lanes each way; construct sidewalk on east side of roadway north of Jefferson, add gutters, drains, and deceleration lanes near intersections (and resurfacing, which is categorically excluded). Total grading is 66,529 cubic yards. In that total 59,289 cubic yards are fill; 7,232 c.y. are cut. 52,056 c.y. are import, 1,405 c.y. are export.<sup>3</sup>

The fill would be located adjacent to the Playa Vista Freshwater Marsh where the elevation of the roadway would be raised on fill, and where, near Teale Street, the road would be relocated eastward. The three-stage widening project will create a six to eight-lane highway within a ±152-foot wide right-of-way from LMU Drive to Fiji Way. North of Fiji Way other projects have added to the width of Lincoln Boulevard to accommodate their traffic.

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<sup>3</sup> Source: Application filled out by Caltrans staff. AS described in text, the work is not a continuous strip, but several jobs within the area described.

**B. RELATED PROJECTS.**

This is one of seven coastal zone road construction projects that are requirements of the First Phase Playa Vista EIR. The Commission has reviewed several, approved one and will be reviewing others in the future. There are three Caltrans projects:

1. This present project: Teale to Jefferson Boulevard project with minor widening as far north as Fiji Way. CDP 5-01-184.
2. Replace the four-lane Lincoln Boulevard Bridge over Ballona Creek with an eight-lane bridge; widen Lincoln Boulevard north of Jefferson Boulevard from four to eight lanes up to Fiji Way. Caltrans # 166051/61/71OUI; CDP 5-01-450 (incomplete).
3. Design and contribute to the construction of a grade-separated interchange at the Marina Freeway and Culver Boulevard. CDP 5-01-038 withdrawn and resubmitted as 5-01-432 (also before the Commission at the present February, 2002, hearing).

In addition, there are four other major road widening or road extension projects in the Coastal Zone that the City has required the Playa Capital to complete as part of the first phase of Playa Vista traffic mitigation these include:

1. Construct a second loop ramp at Culver and Lincoln Boulevards to allow two-way traffic, widen Culver Boulevard to 72 feet (three lanes plus deceleration lanes,) construct ramps to Marina Freeway eastbound. CDP 5-01-382; A-5-PLV-00-400 (approved November, 2001).
2. Realign intersection at Culver and Jefferson Boulevards to a right-angled intersection instead of an acute angled intersection. CDP 5-01-223 A-5-PLV-01-281. Approved November 2001.
3. Extend Playa Vista Drive (formerly Bay Street) by bridge across Ballona Creek to Culver Boulevard. CDP 5-01-107 withdrawn pending investigation of alternatives; A-5-PLV-01-200 (incomplete).
4. Lincoln Boulevard: Additional turn lane, taper at Lincoln and Jefferson Boulevards. Caltrans # 166OUI; CDP 5-00-139W (completed).

Playa Vista has also carried out minor intersection and traffic improvements elsewhere, and will, in the near future, realign/increase the capacities of the intersections of Vista del Mar and Culver Boulevard and Nicholson and Culver Boulevard in Playa del Rey. The complete list of traffic improvements that the City has required Playa Vista to carry out to mitigate its first phase is provided in Exhibits 15 and 17.

Caltrans submitted a complete application for the present project months before the northern portion of the widening project was ready to submit, arguing that each project

would be funded separately and could be developed and function independently. Section 13053(4) of Title 14 of the California Code of Regulations requires, in part:

“To the maximum extent feasible, functionally related developments to be performed by the same applicant shall be the subject of a single permit application.”

Based on this regulation, the staff initially rejected the present application, pending the submittal of an application for the Ballona Creek Bridge and the related widening of Lincoln Boulevard to the north. Caltrans responded that due to state and local budgetary constraints, Caltrans normally phases projects over a number of budgetary years. The next “phase” of the project may occur within two or three years, but each phase of a project is designed to function independently without the completion of the next phase. They followed up with a letter in which they explained that this present project (5-01-184) is to be constructed from February 2002, to March 2003 and the Ballona Creek Bridge (SCH#200121126) would be constructed from March 2003 to March 2006. Caltrans representatives noted that traffic conditions change, which may change priorities. Finally they noted that the construction of projects have to be phased over a number of years to minimize the disruption of traffic due to construction. Staff then accepted the application.

This project is now approaching the end of the 90-day extension allowed by the permit streamlining act. While Caltrans has submitted a permit application for the adjoining segment of Lincoln Boulevard, on November 30, 2001, the request was not complete as of January 15, 2002. Materials submitted after that date could not be analyzed in time to prepare a report for the February, 2002 hearing.

As noted above the Commission has approved the Culver Boulevard loop ramp and widening project (CDP 5-01-382; A-5-PLV-00-400) and the Culver Jefferson interchange (CDP 5-01-223; A-5-PLV-01-281). Playa Capital has withdrawn the application to add a second bridge over Ballona Creek and extend Playa Vista Drive (formerly known as Bay Street) from Jefferson Boulevard to Culver Boulevard pending review of transportation alternatives.

## **C. DEVELOPMENT**

The Coastal Act provides standards that the Commission must use in approving development. Section 30250 requires that development be sited and designed in existing developed areas to minimize development in relatively untouched rural areas. Section 30252 encourages investigations of other modes of travel to reduce competition for coastal access roads.

### **Section 30252.**

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Based on these provisions of the Coastal Act, the Commission and City of Los Angeles have approved coastal development permits for high-density projects in the immediate area of the proposed project. These include projects adjacent to Lincoln Boulevard (also see above and the Substantive File documents). All these projects, along with projects outside that Coastal Zone, have individually and cumulatively, contributed to the increasing levels of traffic on Lincoln Boulevard, Washington Boulevard, Mindanao, Culver Boulevard and the Marina Freeway. (Most notably the Commission found no substantial issue raised by two City of Los Angeles-approved projects: one that included a 334 unit (moderate income) apartment building and a 166 unit building; the other included 800 (moderate income) apartments and two 16 story towers providing 512 condominiums on an 18.9 acre site. Both projects were located on Lincoln Boulevard. (See Substantive File documents above for the numbers of the two appeals.)) The Commission has approved LUP's with similar impacts, notably the Marina del Rey Ballona LUP in 1984. In 1987 the Commission reiterated its approval of the Marina del Rey/Ballona LUP's in applying to the City and County areas of the Marina del Rey and Playa Vista (Marina del Rey LUP 1987, Playa Vista LUP, 1987.) In 1995 the Commission approved an amended LCP for the Marina del Rey that would result in 2,712 daily peak hour trips and would include multi-story development on most residential parcels. In effect, the Commission's assumption has been that development and the concentrated infrastructure to serve it would be located in Los Angeles and not in more remote areas along the coast. All of these approvals presumed that the infrastructure serving Lincoln Boulevard including Lincoln, Culver, Jefferson, Washington and Venice Boulevards would require road improvements. (Exhibit 27.) The plan approvals were granted before the courts issued the 1999 Bolsa Chica decision, Bolsa Chica Land Trust v. Superior Court (1999) 71 Cal. App.4<sup>th</sup> 493.

Part of the thinking in approving higher density development in some areas is the theory that higher density development could support transit alternatives as required in Section 30252. In addition to allowing high-density development and providing lists of road improvements, the Marina del Rey Ballona LUP (1984) and its successors required the development of mass transit alternatives. LUP policies required that some form of transit

be part of the transportation improvement package. The 1987 Marina del Rey LUP and the related Playa Vista LUP require (1) development of jitney systems integrated between the City areas, County areas, Playa del Rey and Venice, (2) development of park-and-ride lots for commuter express buses that would travel to Downtown Los Angeles, and (3) reservation of right-of-way along Lincoln Boulevard for a transit way. However, the transportation improvements that the Commission has actually reviewed to date concentrate on road widening. According to the applicant, Playa Vista has recorded an offer to dedicate a transit right of way to the east of Lincoln Boulevard. There is no immediate program to develop use of the right of way, but it is available if it is needed in the future.

The mitigation measures for the First Phase EIR/EIS for Playa Vista do require internal transit, transportation management, and include methods to encourage residents to seek jobs in the project and to encourage commuting employees to use transit. Other transportation improvement methods that Playa Vista and the other large projects have been required to undertake include funding methods to increase the number of cars on existing streets by synchronizing signals in order to increase volumes and speeds. Playa Vista and the City have also required jitneys within Playa Vista. Transit under consideration by both Playa Vista and the Department of Beaches and Harbors consists of jitneys and other short haul buses, but few long haul improvements that might accommodate the ten to fifteen mile work trip that the average Los Angeles resident makes. Culver Boulevard is the site of a former railroad right-of-way that extends west and south through the wetlands and then south through the South Bay. There is no analysis in this proposal or in more recent plans of methods for using this older right-of-way for a dedicated transit way or other alternative transportation, even though the success of other high speed bus ways and light rails make it more likely that a transit way in this location would attract riders, because a ten to fifteen mile trip is feasible if there are connecting routes. There is no requirement that physical roadway improvements also include widening of bus and bicycle lanes.

In designing of this project, Caltrans has not addressed alternative transportation methods, as required in Section 30252 of the Coastal Act, and by the certified Land Use Plans for these areas. There is no space allocated for a bus lane along Lincoln Boulevard. The sidewalks are narrow and do not accommodate space for bus stops. There is no sidewalk proposed along the western side of Lincoln Boulevard. There is no designated bicycle lane, although, as noted above, there is presently no other continuous north-south route other than Lincoln Boulevard. In response to this issue, as noted above, Caltrans has offered to provide handicapped accessible sidewalk at intersections, and to provide connections to the freshwater marsh berm and to provide refuges for bus riders at bus stops.

Secondly, while a north-south route can carry additional traffic, if Lincoln it is widened and managed as an ultra high-speed highway, the newly widened highway might reduce access from east to west. A road of this width and speed is a barrier for pedestrians

and bicyclists unless measures are taken to improve access across the road. Many coastal access routes cross Lincoln Boulevard. Bicycle clubs presently use Jefferson Boulevard as a route to the South Bay Bicycle Trail<sup>4</sup>. Mindanao is used as the principal entrance to the Marina del Rey. Venice and Washington Boulevards, that are located north of the project area, are other important coastal access routes. In the approximately 1.5 mile stretch of this project that is located in the coastal zone, there are four places to cross Lincoln Boulevard at traffic signals and one place to cross under it along the creek bank (the Ballona Creek bike path) . There are signalized intersections located at Fiji way, Mindanao Way, Jefferson Boulevard, and LMU Drive . It is not possible to cross at Culver Boulevard. The Ballona Creek Bike Path passes under the bridge at Ballona Creek and connects to the South Bay Bicycle Path. To the extent that widening of the road is coupled with synchronized high-speed signals, Lincoln Boulevard would become more forbidding to pedestrians. However, these technical innovations can also be used to improve public access. Traffic lights can, for example to be set to work differently at different times of the day or year. The width of roadway features could be adjusted to provide more space for pedestrians. For while there are few pedestrians at present, with the development of the first phase Playa Vista, more pedestrians would appear. Caltrans objects that 12-foot lanes are necessary to provide higher roadway speeds. However, just north of this project, in the marina del rely and Venice, the road provides only two travel lanes each way, plus turn pockets, and the lanes are between nine and ten feet wide. The commission understands that wider lanes are safer at higher speeds, but nearby cities limit speeds for safety reasons and make a more efficient, pedestrian oriented use of space. As proposed this section of Lincoln Boulevard would be an anomaly and would not provide the pedestrian amenities appropriate to high-density development.

There are methods to reduce the barrier function of the road for pedestrians and cyclists. These include (1) sidewalks (2) landscaping (3) wider sidewalks near bus stops and bus rest areas, (4) additional routes over under and across Lincoln boulevard for pedestrians (5) timing of signals so that they allow additional time to cross the road (6) adjusting signals outside of commuter time to favor turning and pedestrians (7) view turn outs. Some of these provisions are suggested in the project design of the second phase project of Playa Vista . However, Caltrans needs to consider methods of making this road compatible with either a full second phase or with eventual use of a significant portion of the area as a wildlife preserve and park.

As now planned the project is inconsistent with the provisions of the coastal act the require development to be integrated to provide non-automobile transportation. And is

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<sup>4</sup> The South Bay Bicycle Trail, operated by Los Angeles County, extends from the beach at playa del Rey along the beaches to Torrance Beach, where it ends at the bluffs. A similar bicycle trail extends from Venice to the Pacific Palisades. There is a connection along Washington Boulevard and then through the Marina del Rey, but the only way across the Marina del Rey Entrance Channel is the bridge at Lincoln Boulevard. The bridge over the creek near the mouth of the entrance channel, does not cross the entrance channel.

inconsistent with sections 30250 and 30253. As redesigned it would increase pressure for street widening in adjacent areas and would be incompatible with encouragement of transit alternatives.

#### **D. PUBLIC SHORELINE ACCESS AND RECREATION**

Section 30210 requires that maximum access to the coast be provided. Section 30212 requires that access to the coast shall be provided in new development (a major road is new development), Section 30223 requires the reservation of upland areas that are necessary to support coastal recreation, and section 30240(b) requires development adjacent to environmentally sensitive habitat areas ... and parks shall be compatible with the continuance of those habitat and recreation areas. The project will allow increased speed and volume on a north/south traffic route that delivers beachgoers to the Venice and Playa del Rey beaches and to Marina del Rey and distributes visitors farther south into the South Bay.<sup>5</sup> Although the project is designed to reduce congestion on Lincoln Boulevard during peak commuter hours, it can and will serve to improve vehicular access to the coast on weekends as well.

The land west of and adjacent to this roadway is being restored as a freshwater marsh. The land immediately north of Jefferson Boulevard and west of Lincoln Boulevard may be acquired and restored as wetland habitat. There is a conflict between Lincoln Boulevard's role as a high-speed super major highway and providing access to parks and views of the restored wetland.

Section 30240(b) requires that development and this road is development, adjacent to parks to prevent impacts which degrade these areas and to be compatible with the continuance of those habitat and recreation areas. A barrier that prevents access to such an area is not compatible with its continuance as a recreation area. A roadway directly adjacent to a habitat or park must function differently from a roadway that is essentially a barrier as are many urban freeways by allowing pedestrian access across and along the road, and by limiting lights, noise and other disturbances (see Exhibit 5).

This proposal does not include any foot trails or sidewalks on the west side of the road. The applicant argues that pedestrian access will be provided along the top of the wetland berm, suggesting that a way will be found to allow the public to get up the berm from street level (Exhibit 4). The applicant argues that sidewalks are local responsibilities, but the EIR that required Playa Vista to pay for this road showed sidewalks and bicycle lanes. The bus stops identified in the adopted Playa Vista Phase I mitigation and monitoring program do not appear in the final roadway plan. There are no identified turnouts where visitors can slow to observe the view. This road is as wide as the Long Beach Freeway between the 405 and Willow Avenue, but there is no discussion of

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<sup>5</sup> The South Bay comprises the Cities El Segundo, Manhattan Beach, Hermosa Beach and Redondo Beach and cities located directly inland of them such as Lynwood and Lomita. These cities are inland of Santa Monica Bay, which extends from Point Dume to the Palos Verdes Peninsula.

measures to adjust timing of lights or otherwise provide pedestrian access across the road. The high speeds for which it is designed will work against its use as a view corridor. The absence of significantly landscaping will result in a hot, visually oppressive appearance. As designed, this project does not provide access to the lands adjacent to it and does not provide a recreation support function (Exhibit 3).

In response to these issues, Caltrans has indicated that it will have a four to eight foot shoulder and that part of this shoulder can be paved to provide pedestrian refuges or bus stops. It can also provide a connection to the maintenance road that encircles the freshwater marsh, so that pedestrians can climb up onto the maintenance road, which would then function as a walkway (See Exhibit 4.)

Specifically Caltrans representatives state:

The Ballona Creek bike trail crosses beneath the Route 1 Project at Ballona Creek. The Project improvements will not adversely affect access to the bike trail. Although not a part of the Project itself and not within the Route 1 right-of-way, it should be noted that Playa Vista will be constructing an off-road bike path along the east side of Route 1 between Hughes Terrace and Bluff Creek Drive, from which point bike lanes will travel along Bluff Creek Drive and Playa Vista Drive to connect with the Ballona Creek bike trail.

The Project will provide paved shoulders along both sides of Route 1 (ranging in width from four feet at intersections to eight to nine feet between intersections) that can be utilized by bicyclists traveling along Route 1 through the Project area.

The Route 1 Phase I Project includes construction of ADA-compliant sidewalks along both sides of Route 1 in the vicinity of the Jefferson Boulevard intersection and along the east side of Route 1 south of Jefferson Boulevard. Although sidewalks are not currently provided in the subject section of Route 1, the sidewalks will be constructed to connect to the existing sidewalk system in the Westchester area to the south to support the future urbanized nature of the area through which the Project passes. Handicapped access ramps will be provided at each intersection.

The Project does not include construction of a continuous sidewalk along the west side of Route 1 south of Jefferson Boulevard since it was anticipated that a pedestrian walk would be provided outside of the highway right of way as part of the separate adjacent freshwater marsh restoration project. However, at-grade pedestrian access across Route 1 will be possible via crosswalks at the signalized intersections of Route 1 at Hughes Terrace, Teale Street, Jefferson Boulevard, and Fiji Way, and concrete sidewalks will be provided along the west side at these locations to provide pedestrian refuge at bus stops in the southbound direction.



At such future time as pedestrian pathways are provided in the freshwater marsh area, it would be possible to connect these with the sidewalks and crosswalks to be provided as part of the Project. –Stephanie Reeder and Aziz Elatter, Caltrans, letter, January 16, 2002

While the Commission is encouraged by the response concerning pedestrians, the proposal indicates that the Caltrans will depend on the adjacent private developer to provide a bikeway. The bikeway would be located just outside the coastal zone, as is the dedicated but unimproved transit way. The proposals are not accompanied by plans. The Commission notes that the berm for the freshwater marsh is four feet to eight feet above ground level near Jefferson. Without detailed designs it is difficult to visualize how pedestrians, and since it is a state facility, handicapped individuals could make their way from the intersection with the handicapped access at the bus stop to the walk way around the berm. More detailed designs are necessary before the Commission can find that adequate recreation support facilities will be provided to assure consistency with section 30240(b) and the public access policies of the Coastal Act.

The basic conflict with park use and public access, however, is the scale of the widened road and the speed of the traffic that it will accommodate. Caltrans indicates that it has no alternative site for such a road and such a road is needed; the area is planned for a low-key recreation site. The facility itself is incompatible with recreational use of the adjacent area. The project must be denied because the lanes do not leave room for a bus/bicycle corridor, provide view areas, or a walkway alongside the road, provide turn outs and or bus stops, safe crossing, or median landscaping and trees. An alternative would be to construct narrow, non-standard lanes, which would slow down traffic and provide room for these other uses and for additional landscaping. A second alternative would be to plan for a six-lane road instead of an eight-lane road, to move the facility to the east. As proposed, this development is not consistent with the recreation and access policies of the Coastal Act.

#### **E. WETLANDS AND OTHER SENSITIVE HABITAT AREAS.**

Section 30233 of the Coastal Act limits fill in wetlands except for certain purposes. Sections 30231 and 30240 protect the productivity of habitat areas. The applicant proposes to construct this road widening in an area that includes 0.15 acres of filled former wetlands. The Commission permitted the fill under permit 5-91-463 (Maguire Thomas Playa Vista) to create a habitat area, a freshwater marsh.

Section 30233 of the Coastal Act states, in part:

#### **Section 30233**

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(7) Restoration purposes.

In 1989, the United States Army Corps of Engineers delineated the wetlands in Playa Vista (Exhibit 11). In 1991, after the Corps mapped its jurisdictional wetlands in Playa Vista, the Department of Fish and Game upgraded its 1983 Playa Vista wetland maps to identify as state wetlands all areas in Area B, Playa Vista that the Corps identified as wetlands (Exhibits 11 and 12.) Previously the Department of Fish and Game had designated these areas "Ag," as farmed area that could revert to wetland if farming ceased (Exhibit 12, p 6.)

In 1991, the Commission, relying on the 1983 delineation by the California Department of Fish and Game, approved fill of wetland for the freshwater marsh. The proposal was to fill wetlands in the southeast quadrant of Playa Vista Area B and create a 26.1-acre flood control/water treatment and restoration facility known as the Freshwater Marsh (5-91-463 Maguire Thomas). In approving permit 5-91-463, the Commission allowed Maguire Thomas Playa Vista, the developer of Playa Vista, to fill 6.9 acres of wetlands in Area B for restoration purposes. At that time, the Commission reviewed statements by the developer that it intended to fill an additional 0.15 acres of wetlands "of Area B". The applicant incorporated the request to fill 0.15 wetland acres (filling Centinela Creek between the fresh water marsh berm and the edge of the pavement) into a "Supplemental Application." (Exhibits 7 and 8). The Supplemental Application includes plans for the grading adjacent to Lincoln Boulevard to fill 0.15 acres of Centinela Creek to prevent runoff from Lincoln and the creek from ponding and undermining the berm.

The proposed project would widen Lincoln Boulevard over this graded area, extending about 70 feet west of the present pavement, to the toe of the berm of the freshwater marsh approved in 5-91-463. A site visit confirmed that there is presently fill on the right of way between the existing line of pavement and the toe of the freshwater marsh. John Dixon, the Commission staff biologist visited the site on September 18, 2001. His opinion is the following:

Just a note to summarize the results of our 9/18/01 site visits.

**Lincoln widening:** There was no evidence of wetlands within the area proposed for street widening. On the east side of Lincoln there is no or very little widening

and related disturbance planned. In any event, the area adjacent to the street is appears to be fill that is formed into a berm along much of the corridor, and all the vegetation appears to be ruderal and upland. We viewed this area through a chain link fence. On the west side of Lincoln, the entire corridor has been graded as part of the construction of the new detention basins. I have not researched the historical extent of wetlands in this area. (John Dixon, Coastal Commission Senior Biologist.)

In 1992, the Corps approved a 404 permit for incidental fill in Playa Vista, including fill in Area B for the freshwater marsh proposed by Maguire Thomas Playa Vista and for widening Lincoln Boulevard to accommodate traffic generated by Playa Vista. The Department of Fish and Game approved a Streambed Alteration permit for the work on the freshwater marsh inside and outside the coastal zone. The result of these actions was that both the Commission and the Corps approved the fill of wetlands located south of and immediately adjacent to Lincoln Boulevard. Opponents challenged that 404 permit in federal court. Recently the Supreme Court declined to hear an appeal of a Court of Appeals action sustaining the Corps 404 permit.

This road expansion will place additional fill on and adjacent to the area that the Corps and the Commission approved to be filled as part of the Freshwater Marsh project. The fill for this project will extend almost to the toe of the wetland berm. In its application, for this road, Caltrans indicated that Caltrans proposes no wetland fill is as part of the project. While the project raises other potential issues concerning compatibility with habitat areas, it does not include the placement of new wetland fill and is consistent with Section 30233 of the Coastal Act.

## **F. ENVIRONMENTALLY SENSITIVE HABITAT AREAS.**

The Coastal Act contains strong provisions for the protection of the biological productivity of environmentally sensitive habitat areas.

### **Section 30231 Biological productivity; water quality**

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

### **Section 30240 Environmentally sensitive habitat areas; adjacent developments**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Issues of compatibility with habitat involve noise, lightning and water quality. The entire area of Lincoln will drain to the freshwater marsh. While this improves water quality of the discharge into Ballona marsh, the Department of Fish and Game in its February 1991 letter to the Commission expressed reservations about the compatibility of a freshwater wetland and a treatment facility (5-91-463). The Commission has received extensive materials regarding the effects of lighting and traffic noise on marsh and habitat areas (Exhibit 5). Increasing lighting levels and moving the edge of the pavement 70 feet toward the freshwater marsh will, based on papers that the Commission has reviewed, most likely have impacts on the feeding, nesting and breeding behavior of animals that depend of diurnal cycle of light and darkness.

While the applicant is willing to accept conditions to limit and shield its lighting, the loss of the 70-foot setback between Lincoln and the freshwater marsh berm will represent a significant impact on the ability of the freshwater marsh to become a productive environment. An alternative would be to place the entire road farther east, planting the 70-foot area in taller riparian trees or other plants as a buffer and sound barrier. While there are other more powerful reasons to deny this application, the Commission cannot approve this project without looking at alternatives that would increase the setback from the freshwater marsh and provide a buffer and additional area for filtration of water before it flows into the marsh. If this is not feasible, an alternative is denial until another way of providing a setback can be found. The Commission commonly seeks a 100-foot setback from marshlands for single-family houses, reducing the setback only if requiring a greater setback will result in a taking. Noise studies quoted in environmental documents usually show that single-family houses are about half to two thirds as noisy as a high-speed highway. The absence of buffer is a persuasive reason for denial of this project until alternatives, including alternate locations for the edge of the road, can be investigated. As proposed, the project is inconsistent with Sections 30231 and 30240, but does not propose wetland fill or raise issues of consistency with Section 30233 of the Coastal Act.

## **G. VISUAL IMPACTS.**

Coastal Act sections 30240 and 30251 state, in part:

### **Section 30240**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

#### Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

This road would be a highly visible 152 foot-wide structure. When widening Lincoln was originally contemplated, it was to accommodate traffic generated by Playa Vista. The Playa Vista Master Plan, approved in the 1984 LUP, allowed 60 –100 foot high structures west of Lincoln. Views over the wetland were proposed from a frontage road west of these structures. The bottom two to three stories of the structures directly west of and adjacent to Lincoln would consist of parking structures and would not provide views through the project. However, if current proposals to purchase Areas A and B are successful, Lincoln Boulevard will be located on the eastern edge of a restored wetland habitat area and park. The heights of park features would not exceed one or two feet – perhaps four feet for areas retained in coastal sage scrub.

The width of the road would greatly exceed the height of nearby features, and in contrast, would give the impression of a vast pavement, adjacent to a low brown field. It would not invite pedestrians to venture across it to see what was on the other side of the road. Viewed from the park areas, an eight-lane road (with shoulders and turn pockets) would be wide and obtrusive. Lights from the cars (and noise) would have impacts on the wildlife. It is nearly impossible to mask a structure of this size. The Commission finds that planning the road and the ways to reduce its visual impact should take place along with planning for the park/habitat area, rather than being presented to park planners as a problem that it would be incumbent on the park planner to solve. As proposed, the road is not subordinate to its setting and could significantly degrade the

visual quality of the Area A, B and C wetlands. It would be inconsistent with Coastal Act Sections 30240 and 30251 with respect to impacts on views and on park and habitat areas.

## **H. WATER QUALITY MARINE RESOURCES**

Section 30230 requires the protection of marine resources. Roads are major sources of pollutants that flow into water bodies. The project will add 3.31 acres of impervious surface to an existing 14-acre road. The project is proposed in an area that included a historic wetland. The project however will drain into the Ballona Freshwater Marsh, a water treatment and restoration facility that is located on a former wetland. In order to protect water bodies and water quality from polluted run-off. Caltrans encourages trash removal programs. While Caltrans states that there will be 1.45 acres of landscaped area, Caltrans has not proposed this landscaping as part of this project and has not provided a plant list.

Sections 30230, and 30231 of the Coastal Act state:

### Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

### Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Caltrans program for best management practices on highways includes the following:

The latest edition of the Caltrans Storm Water Management Plan dated August 2001 has the following approved Best Management Practices (BMPs) that Caltrans has found to be effective in treating highway runoff at the present time. Caltrans is continually conducting research and evaluation of all types of BMP products to determine what other BMPs Caltrans can adopt for use. Caltrans guidance design manuals recommend Source Control BMPs over Treatment Control BMPs as generally being more effective in addressing water quality. Source Control BMPs treat water prior to entry into the system, whereas Treatment Control BMPs treat water after it has entered the system.

A. Source Control BMPs:

1. Preservation of Existing Vegetation
2. Concentrated Flow Conveyance System
  - a. Ditches, Berms, Dikes, and Swales
  - b. Overside Drains
  - c. Flared Culvert End Sections
  - d. Outlet Protection/Velocity Dissipation Devices
3. Slope/ Surface Protection Systems
  - a. Vegetated Surfaces
  - b. Hard Surfaces

B. Treatment Control BMPs:

1. Biofiltration: Strips/Swales
2. Infiltration Basins
3. Detention Devices
4. Traction Sand Traps (Only applies in Lake Tahoe Area)
5. Dry Weather Flow Diversion

Project designs generally incorporate several of the above mentioned source control BMPs that provide a water quality benefit. Some of these treatments may not be obvious (such as slope paving) however, they provide a water quality benefit by prevention of erosion and sediment flowing into the waterbodies, thus reducing the pollutant discharge.

After taking a closer look, research conducted by Caltrans thus far has indicated that Drain Inlet Inserts (e.g. Fossil Filters) is an ineffective application for this type of highway project. In addition, Fossil Filters may present a safety hazard for the motoring public due to the potential for drain inlet failure, which would lead to flooding on the adjacent roadway. Several studies have been conducted by Caltrans in regards to their performance for use on some highway facilities.

In considering the consistency of projects with the Coastal Act, the Commission has consistently required that the design of treatment control devices proposed be sized for a two year 24 hour storm event, and that the treatment could occur in 85% of the storms. Because this project depends on the freshwater marsh and because it is located in a low lying area, if it were to approve this project the Commission would require that the applicant provide detailed hydrological calculations, outlining how the roadway and the water flowing off the roadway will work in conjunction with the freshwater marsh. The applicant has provided a hydrological study that indicates that the drainage devices are sized adequately to carry off the water expected on the road. The applicant has not

provided a narrative analysis describing how the roadway drains will work together with the marsh and the relationship of the timing of the expected completion dates of the two projects. Playa Capital asserts that the Freshwater marsh is sized to accommodate the road widening projects. The Commission agrees that the freshwater marsh facility, which is sized to accommodate 100 acre-feet, is sized adequately to handle major storms. Nevertheless, the Commission, if it were to approve this project would impose conditions to assure adequate pretreatment of waters entering the freshwater marsh. The Commission notes that the Department of fish and game expressed reservations about the amount of road runoff entering the marsh, and it is important to as much as possible to limit the amount of pollutants entering water entering the marsh by employing BMP's within the road drains and installing appropriate roadside landscaping.

The second water quality impact of a construction project that anticipates moving 66,529 cubic yards earth is the handling of older contaminated sediments and avoidance of siltation during construction. Caltrans proposes to do the work in stages and use standard sand bagging and other siltation control methods such as covering stockpiles and to use watering to reduce fugitive dust. If the project were otherwise approvable, the Commission could adequately address the sediment issue by incorporated the construction BMP's proposed by the applicant enhanced by conditions similar to conditions that the Commission has imposed on similar projects.

Caltrans has indicated that it intends to bury lead-contaminated sediments under the roadway. The sediments will be placed no less than 1.5 meters above the ground water table. While in general, burying lead-contaminated sediments is regarded as a benign solution to the problem (Lead is generally not water-soluble and binds with clay and silt, which is found in marshy soils). The Commission, if the project were other wise approvable, would allow this practice only if 1) Caltrans followed state standards from the Department of Toxic substance control, (DTSC) and 2) that the only sediments buried on site are those from the project itself; that Caltrans not use surplus contaminated earth from other sites for this purpose. In this way, Caltrans will reduce the amount of lead in the marshland system rather than increasing it.

During the excavation of the freshwater marsh, some contaminated sediments were discovered. The coastal development permit did not anticipate or address this problem. Instead it established standards for the marsh's functioning after construction and revegetation. However, the Regional Water Quality Control Board required the applicant for the freshwater marsh to truck the sediments to various landfills outside the coastal zone. While there was some controversy with the DTSC, that had earlier delegated its oversight role to the Board, the material (drilling mud) was removed.

The new roadway is designed to drain into the freshwater marsh approved in 5-91-463. The purpose of the freshwater marsh was to capture the run-off from roads and other impervious surfaces that would result from construction of the Playa Vista project. The marsh was designed to accept 100-acre feet of runoff, which the Commission has found



to be adequate in its initial review of hydrology studies provided with the application for the freshwater marsh (5-91-463.) The 26.1-acre freshwater marsh is designed to protect the wetlands from pollution from impervious surfaces and from a sudden flood of freshwater when a storm interacts with the increased impervious surfaces found in the Playa Vista project.

The Commission staff investigated the water quality issues and determined that there were standard conditions that if applied to this development would minimize pollution from run off. The conditions would have required pre-treatment of storm water, and control of siltation during construction. The Commission finds that the water quality impacts of this project could be reduced if the project were otherwise approvable, and that the project could be conditioned to achieve consistency with Sections 30230 and 30231 of the Coastal Act.

## **I. HAZARDS.**

The Coastal Act provides that development shall be sited and designed to avoid hazards. Section 30253 requires, in part:

### **Section 30253.**

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

After the discovery of high levels of soil gas in Area D Playa Vista, the public has consistently expressed concern about the levels of soil gas in nearby areas. Tests conducted for a nearby project (Playa Vista Phase I, see substantive file documents) showed high levels of soil gas in an area south of Jefferson Boulevard. A report conducted by the City of Los Angeles City Legislative Analyst identified significant soil gas accumulations north of Lincoln Boulevard and south of Jefferson Boulevard. The present project is on Lincoln Boulevard in an area in which levels of methane gas have been detected that would require mitigation if it occurred in structures. The source of this is a report by the City of Los Angeles Legislative Analyst that provides a chart (exhibit) showing the level of mitigation required as a function of the amount of soil gas detected. . The levels are grouped as Level II "green" 100 to 1000 ppmv and "yellow" 1000 to 12500 ppmv. The version of the chart for public circulation is printed in colors that are difficult to distinguish -- the yellow and the orange, for example are not distinguishable. The staff has interpreted the map by counting the contour lines from the

blue, which is distinguishable from yellow or white. According to staff's best reading of the map prepared at the behest of the City Legislative Analyst, this is an area in which enclosed structures require mitigation. However, this project is not an enclosed structure. Exhibit

On a related project, the Route 90 Bridge, Caltrans sought an opinion from Gustavo Ortega, a Caltrans staff geologist, concerning the possible hazard of soil gas to its project. The geologist replied that methane is a potential hazard in confined spaces, but that there were no confined spaces proposed as part of the development of this bridge and ramp. Moreover, the Coastal Commission staff geologist, in an analysis of a proposal to expand Culver Boulevard, A-5-PLV-00-417, has indicated that soil gas does not pose a hazard to roads or the vehicles on them because soil gas does not accumulate where there are no enclosed structures.

The soils in this area are made up of sediments deposited by creeks and other water bodies. There is a relatively high groundwater table. Adjacent to the newly constructed freshwater marsh, which is on a former wetland, soils are soft and compressible. The applicant's geologists have taken these conditions into account and designed to accommodate these potential hazards. Next to the freshwater marsh, Caltrans geologists require that the road be constructed using geo web at its foundation. The project is located in an area that is protected from flooding by the Ballona Creek Channel. The area is also a liquefaction zone and is a tsunami run up zone.

This project is not located in an area of landslides, but is located in an area of soft soils where the ground could liquefy if there is a large earthquake. An early report on the gas under the site identified a possible earthquake fault parallel to Lincoln Boulevard. Subsequent studies by other geologists have failed to confirm the existence of the fault. The fault, if it exists, is located east of Lincoln. Structures in liquefaction zones are required by state construction standards to assure safety of the occupants with special foundations. Caltrans geologists indicate that roads in liquefaction zones are assumed to be repairable; the Caltrans geologist asks no special protection for this project except to specify the use of geo web adjacent to the fresh water marsh installed by the applicant for Playa Vista. The Commission finds that the project would be would not endanger life and property, consistent with Coastal Act hazard policies. However, since the design and the report are the responsibility of the applicant and the conclusion that the development is safe is based on the applicant's research, the Commission would impose a condition requiring that the applicant assume the risk of this development. If so conditioned, the Commission could find that the project is consistent with the hazard policies of the Coastal Act.

## **J. PROJECT BACKGROUND**

Caltrans is the applicant for this road widening; Playa Capital is responsible for the design and construction of this road widening. This particular project is a required mitigation measure for the first phase of the Playa Vista development, but is also a response on the part to Caltrans and other transportation agencies to the degree of crowding that drivers on Lincoln now face, even before completion of Playa Vista's First Phase. This project is part of a plan long advocated by Los Angeles City and County transportation planners. Lincoln is the main thoroughfare linking Santa Monica with the airport. It is a major highway that connects the 10 Freeway with Santa Monica, Venice and Playa del Rey.

The Commission initially reviewed road widening plans and future traffic volumes for the Marina del Rey/Ballona area when it certified the Marina del Rey/Ballona Land Use Plan in 1984. The 1984 plan anticipated intense development in the subregion and required major road improvements to accommodate it. Since then, the Commission has increased the number of the peak hour trips that may be generated by new development in Marina del Rey from about 2400 peak hour trips to about 2700 peak hour trips. Traffic generation expected from Playa Vista has remained about the same, although Playa Capital has now proposed a different mix of uses than the Commission reviewed in 1984, when it certified the Marina del Rey/Ballona Land Use Plan.

Development approved in the Marina del Rey/Ballona Land Use Plan (exhibit) for both the Marina del Rey and for what is now Playa Vista included:

USE	Hotel rooms	Rest-aurant seats	Boat slips	Commer-cial sq. ft.	Marine Commer-cial sq. ft.	Resi-dential units	Office sq. ft.
Marina del Rey	1,800	462	20 acres	14,000	"varies"	1,500	200,000
Playa vista Area A	1,800		26 acres	200,000		1,226	
Playa vista Area B				70,000		2,333	
Playa vista Area C				150,000		2,032	900,000
<b>TOTAL</b>	<b>3,600</b>	<b>462</b>	<b>46 acres</b>	<b>424,000</b>		<b>7,091</b>	<b>1,100,000</b>

Before approving this level of development Los Angeles County required the applicant with the biggest project, Summa Corporation, to prepare an evaluation of the traffic impacts of the development and a list of road widening projects that would accommodate it. In 1992, Los Angeles County accepted a study prepared by Barton Aschman Assoc. for Summa Corporation to address its proposed development. The study took into account development in "areas peripheral to the LCP zone "... "inasmuch as this development will have a significant impact on LCP area traffic. The study took into account not only proposals in the Marina del Rey, and Summa's proposals but also it addressed traffic impacts expected from development in the "Subarea." This development included (1) a major project at the 405, Centinela and Sepulveda Boulevards, (2) 4 million square feet of Airport related commercial and industrial development, (3) 3.6 million square feet of commercial and industrial development in Culver City, and (4) "on the vacant property east of Lincoln and south of Ballona Creek, 3,200 dwelling units, 600 hotel rooms, 3 million square feet of office space and 400,000 square feet of commercial uses" (Playa Vista Area D).

The traffic improvements approved in the Marina del Rey/Ballona plan to accommodate that development included<sup>6</sup> (Exhibits):

- 1) Widening Lincoln Boulevard to eight lanes;
- 2) Constructing a four-way loop ramp at Culver and Lincoln Boulevards, lower Culver Boulevard, and bridge Lincoln Boulevard over it;
- 3) Widening Culver Boulevard to six lanes between Lincoln Boulevard and Vista del Mar; and to eight lanes between Lincoln Boulevard and the marina freeway, realigning Culver Boulevard in Area B;

<sup>6</sup> Presented in a different order with different numbers in the Land Use Plan. See Exhibit)

- 4) Realigning the Culver Boulevard interchange with Jefferson Boulevard.
- 5) Extending Admiralty Way to the realigned Culver Boulevard;
- 6) Widening Jefferson Boulevard to six lanes;
- 7) Extending the Marina Freeway just west of Culver Boulevard with a grade-separated interchange at their intersection;
- 8) Extending Bay Street north of the Ballona Channel;
- 9) Building the "Marina Bypass" (a four-lane high-speed road along the Pacific Railroad right of way between Lincoln and Washington Boulevards);
- 10) Extending Falmouth as a four-lane road to Culver and Jefferson Boulevards.

Many of the proposals had been considered by transportation planning agencies for many years. The Barton Aschman report and the submitted LUP cite County and City transportation planners in explaining the choices.<sup>7</sup>

When City of Los Angeles annexed Areas B and C of the land subject to that plan, the City incorporated most of the traffic improvements into the Playa Vista Land Use Plan that the Commission certified in 1986.<sup>8</sup> The improvements included the extension of Admiralty Way to Culver Boulevard, widening Lincoln Boulevard to eight lanes, widening Culver and Jefferson Boulevards, and extending the Marina Freeway. With respect to Lincoln Boulevard and associated transportation improvements the certified Playa Vista LUP states:

*Page 43, Policy 14. At the Culver and Lincoln boulevards interchange, Culver Boulevard should be lowered to an at-grade level with Lincoln Boulevard bridged over it; and the following ramps shall be provided:*

- (a) A loop ramp in the southeast quadrant accommodating eastbound Culver Boulevard to north bound Lincoln Boulevard flow.*
- (b) A straight ramp in the southeast quadrant accommodating north bound Lincoln to eastbound Culver Boulevard flow.*
- (c) A loop ramp in the northeast quadrant accommodating westbound Culver to south bound Lincoln Boulevard flow (for reference only, located in Area A).*

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<sup>7</sup> Two of the improvements were since removed from the plan. Falmouth Avenue was removed as a result of the Friends' of Ballona lawsuit because it established a new road in the wetland. The City of Los Angeles withdrew its approval of the Marina Bypass, an unpopular improvement, and approved housing on the proposed right-of-way.

<sup>8</sup> The County did not adopt them, adopting only improvements within the Marina del Rey proper and a schedule of improvements that linked stages of development of Area A, which it had retained, to improvements by other Playa Vista project areas. When the County submitted a separate implementation program applying only to the Marina del Rey proper, it included only improvements to streets within the Marina was part of that plan. The County deferred policies addressing widening major streets outside the Marina such as rerouting Culver Boulevard and widening Lincoln as part of the future LCP for Area A, which was then still owned by the owners of Playa Vista.

- (d) *A straight ramp in the northwest quadrant accommodating southbound Lincoln to westbound Culver Boulevard flow. (Outside City jurisdiction located in Los Angeles County.)*

*Page 43 policy 15: Widen Lincoln Boulevard to provide an eight-lane facility between Hughes Way<sup>9</sup> and Route 90.*

*Page 43 policy 16: Jefferson Boulevard will be developed as a basic six-lane facility with an additional eastbound lane between Lincoln Boulevard and Centinela Avenue. (Part of this is outside the coastal zone.)*

*Page 44, policy 17: Reserve right-of-way for a transit way linkage in the Lincoln Boulevard corridor.*

*Page 44 policy 18: Extend the Marina Freeway, just east of Culver Boulevard, with a grade-separated interchange at their intersection.*

*Page 44, policy 19: Extend Bay Street, north of the Ballona Channel as a basic four-lane facility, construct a bridge across the Channel.*

When the City of Los Angeles reviewed the First Phase Playa Vista EIR in the early 1990's, the City based its traffic analysis on the Barton Aschman report and on an addendum that it had requested. The City required the first phase of many of these identified "road improvements" as mitigation measures, because they would increase road capacity. All development authorized in the First Phase EIR, with the exception of the Freshwater Marsh, is located outside the coastal zone, east of Lincoln Boulevard.

Phase One, Playa Vista, which is located outside the Coastal Zone will include the following development.

	Dwelling units	Retail Sq. ft.	Community serving sq. ft	Office Industrial Media center sq. ft	Open space other habitat	Wetlands
Phase I	3,246	35,000	120,000	2,077,050 office 1,129,900 studio	26A	26

The traffic analysis of the First Phase Playa Vista EIR describes what were then current traffic volumes in this part of Lincoln Boulevard. Traffic was already heavy in 1990 (Table on following page).

<sup>9</sup> Hughes Way is now identified as Loyola Marymount University (LMU) Drive.

Intersection:		1990		1997 without project		1997 with project	
		Volume/ capacity	LOS	Volume/ capacity	LOS	Volume/ capacity	LOS
Lincoln/ Manchester	a.m.	0.979	E	1.225	F	1.261	F
	p.m.	1.121	F	1.356	F	1.422	F
Lincoln Jefferson	a.m.	0.971	E	1.274	F	1.454	F
	p.m.	0.967	E	1.334	F	1.547	F
Lincoln/ Maxella	a.m.	0.625	B	0.873	D	0.931	E
	p.m.	0.818	D	1.202	F	1.270	F
Lincoln/ Route 90	a.m.	0.763	C	0.975	E	1.044	F
	p.m.	0.804	D	1.151	F	1.207	F
Lincoln/ Washington	a.m.	0.977	E	1.364	F	1.415	F
	p.m.	1.105	F	1.534	F	1.512	F
Source: Playa Vista Draft First Phase EIR, Pages V.L.1-42 and V.L.-44: Table V.L-I-6							

The EIR anticipated that by 1997, even without the project, traffic levels would exceed level F (level F is 100% occupancy. A volume capacity ration of 1.105 “exceeds “ level F, (the most congested level of service, essentially stop and go) at several intersections. With the now approved project, the EIR anticipated that the level of service would be significantly worse (third column). When it adopted the final EIR mitigation measures, the City of Los Angeles required the widening that is subject to the present application. In addition to ATSAC (speeding up traffic by manipulating traffic light intervals), the City required the applicant to provide the following improvements to Lincoln Boulevard in the coastal zone<sup>10</sup>:

40. Lincoln and Mindanao (restriping and removal of islands, see Exhibit.)  
42 Lincoln and Teale St.

- (a) . Dedicate property and widen Lincoln Boulevard along the project frontage (both east and west sides from a point approximately 800 feet southerly of the proposed realigned Teale Street centerline to a point approximately 40 feet southerly of the Jefferson Boulevard centerline to Super Major highway standards with a 114 foot road way within a 134-foot right-of-way. However the applicant has offered to provide a 126-foot roadway within a 152-foot right of way. Relocate and modify traffic signal equipment as required. Lincoln Boulevard is under the jurisdiction of Caltrans and any improvements must be coordinated with and approved by Caltrans.
- (b) Dedicate, construct and realign Teale Street east of Lincoln Boulevard to provide an 84-foot roadway within a 108 foot right of way in order to

<sup>10</sup> All the improvements required for the project as shown in Exhibit.

provide two left turn-only lanes, one right turn-only lane and one bike lane in the westbound direction and three through lane and one bike lane in the eastbound direction.

- (c) Restripe Lincoln Boulevard to provide three through lanes and one shared through/right turn lane in the northbound direction and one left-turn only lane and four through lanes in the southbound direction.

After certification of the EIR, the applicant approached Caltrans regarding three improvements to Caltrans facilities required in the EIR mitigation measures: widening Lincoln Boulevard, increasing the capacity of Jefferson and the Jefferson /405 interchange, and adding high speed surface level ramps at Culver and Route 90 (Marina Freeway). Caltrans responded that they agreed that there needed to be away to reroute traffic off Lincoln to the east to the 405 freeway and ultimately the 10 freeway. However the geometry of the Jefferson 405 ramps prohibited the improvements that had been suggested (the ramp is too narrow to provide a safe turn with an additional lane.) Caltrans instead advocated establishing a parallel north south route, Bay Street (now known as Playa Vista Drive,) that could deliver north south traffic to Culver Boulevard; building a bridge over Culver as the first step to a full interchange of Route 90 and Culver Boulevard; increasing capacity of a north south street outside the coastal zone (Centinela). Caltrans agreed to the Lincoln widening, noting however that (1) the intersection of Lincoln Boulevard and Washington would still be at level F and above and that there were so many demands on Lincoln from the Airport and other uses that Lincoln would still be severely crowded. Caltrans advised also that the number of bus trips along this route must be increased to reduce demands on Lincoln Boulevard from Playa Vista. (Exhibits)

In response to this communication, the City revised its mitigation measures for Phase One Playa Vista in May 1993. (Exhibits). In response, the City required the implementation of more of the LUP improvements as part of Phase I, adding the Culver Lincoln loop ramp and adding Bay Street to Culver Boulevard as an alternative north-south route to Lincoln to the phase one mitigation measures. The City also adopted strict transportation demand management measures. The required road projects were to be staged along with six identified stages of construction (Exhibits 15 and 17). Lincoln Boulevard improved to eight lanes is one of the first projects that the EIR requires to be completed. This project will not provide all the widening that the Phase I EIR requires (although Phase I measures allow combination of turn lanes with travel lanes.) It does not provide extra buses, and it does not required four travel lanes all the way to from Teale Street to Fiji Way, because it does not provide 8 lanes. The remaining widening north of Jefferson would take place along with the bridge reconstruction that Caltrans also proposes next year, 5-01-450.

The Coastal Act provides that development must not overload coastal access routes. The studies by Barton Aschman did consider two ways to reach this goal: an alternative lower level of development with less road widening and an alternative higher level of



development with more road widening. In 1983, Los Angeles County submitted an LUP, which the Commission certified in 1984, that showed intense development accompanied with an integrated system of road widening. The integrated system of road widening was designed to accommodate development that was proposed east of the coastal zone. According to the report, the road widening would accommodate the proposed development and the traffic from related projects.

In approving the LUP in 1984, the Commission required a mass transit in addition to the road widening. The Commission modified the policy in its 1986 actions on the City and County versions of the same LUP to require only a mass transit right-of-way (a lane) and internal jitneys. In addition, in its 1986 actions, the Commission required that the City and the County plan their transportation improvements together, a policy that the Commission included and strengthened in approving additional development in the Marina del Rey in 1995.

This road is necessary to accommodate development located outside the coastal zone that the City of Los Angeles has already approved. The City and Caltrans determined that it is necessary to accommodate that development. The road widening is part of a larger plan to accommodate high levels of development inside and outside the coastal zone. The standard of review is not traffic efficiency. Even if the road relieves congestion outside the coastal zone or on other roads within the coastal zone, it is not exempt from a requirement that it minimize impacts to habitat, views, public access and recreation. The standard of review for the Commission, however, is the consistency of the project with the Coastal Act. As demonstrated above, this project raises issues of consistency with coastal act policies, and there is no evidence that other designs or configurations have not been evaluated that would reduce the road's impacts on coastal resources therefore this road widening must be denied.

#### **K. CERTIFIED LAND USE PLANS.**

As noted above widening Lincoln Boulevard is one of the road-widening projects incorporated into the certified Land Use Plan for Playa Vista. In 1984, the Commission approved the Marina del Rey Ballona LUP. A number of road widening projects viewed as necessary to accommodate the development approved in the plan were adopted as part of the Circulation Element of the plan (Exhibit 3). Again, in 1987, the Commission approved parallel LUP's for the Marina del Rey and, in the City of Los Angeles, the Playa Vista LUP, that showed almost identical transportation system measures, including the present project.

A certified Land Use Plan is not binding on the Commission. Until the local coastal program is fully certified, the standard of review for development, including these roadways, is consistency with Chapter 3 of the Coastal Act. When detailed information shows that a proposal is not consistent with Chapter 3, the Commission is able to deny

or change development that is consistent with an adopted plan. Therefore, in the absence of a fully certified LCP, the Commission's earlier decisions that an area could accommodate certain kinds of development does not commit the Commission to approving development that is not consistent with the policies of Chapter 3.

## **L. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect, which the activity may have on the environment.

In this case, the applicant argues that there are no feasible alternatives or mitigation measures that would lessen the environmental effect of this development. The Commission finds otherwise. A road with narrower lanes or a road with a dedicated bus lane and sidewalk on both sides might more easily provide access to the local area. A road with a wider vegetated median strip might not present an uninterrupted swath of asphalt. While the dedication of southern Californians to their cars cannot be radically changed, a high-density node does present opportunity for other modes of ground transportation. If so the routes serving these nodes, such as Playa Vista should as much as possible, accommodate other modes of transportation.

Approval of this road in this location and configuration presents a second problem—the location of this road determines the location of the second phase widening, which will be located between Jefferson and Fiji way. Would this road have fewer impacts if the right of way were wider but used differently? Would the second phase have fewer impacts if it were narrower after the required Playa Capital link to the culver loop?

An opponent has suggested that the second phase of Lincoln (north of Jefferson) would have fewer impacts on wildlife and park use if it were elevated on columns. Independent of feasibility issues, no one has calculated how far south the grade would have to be changed in order to construct a road that was elevated enough to make a difference. How elevated should the northern portion of the road be elevated in order to encourage wildlife to pass underneath it? Is such a proposal feasible? Without investigating these alternatives, it is not possible to determine that there are no other feasible alternatives or mitigation measures available, which would lessen any significant adverse impact the activity, would have on the environment. Therefore, the Commission finds that there may be feasible alternatives or mitigation measures that would lessen or avoid the identified impacts and increase the development's consistency with the Coastal Act, a that would

substantially lessen the significant adverse impacts of the development on the environment. As proposed the proposed project is not consistent with CEQA and the policies of the Coastal Act.

## APPENDIX I SUBSTANTIVE FILE DOCUMENTS

1. Environmental Impact Report, First Phase Project for Playa Vista, EIR No. 90-0200-SUB(c)(CUZ)(CUB) State Clearinghouse No. 90010510; Appendix D Mitigation and Monitoring Program; Mitigation Measures Tracts 49104 and 52092.
2. First Phase Project for Playa Vista, Final EIR SCH # 90010510) –EIR No 90200-Sub (c)(CUZ)(CUB)
3. Playa Vista Entertainment Media and Technology District, Mitigated Negative Declaration, Playa Vista Plant Site (Addendum to Environmental Impact Report First Phase Project for Playa Vista), August 1995.
4. LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993.
5. Caltrans, Negative Declaration, based on Initial Study/Environmental Assessment for State Highway Route 1 Lincoln Boulevard widening from Jefferson Boulevard to Fiji way; construction of New Bridge over Ballona Creek and Replacement of Culver Boulevard Overcrossing, March 28, 2001 (SCH#200121126)
6. Los Angeles County Marina La Ballona certified LUP, October 1984.
7. Los Angeles County, Certified Marina del Rey LUP, 1987
8. City of Los Angeles Certified Playa Vista LUP, 1987.
9. Barton-Aschman Associates, inc., Playa Vista Study Area, Transportation Analysis, 1995 (prepared for Summa Corporation, November, 1982.
10. Barton-Aschman Associates, inc., Addendum to Playa Vista Study Area, Transportation Analysis, 1995 (prepared for Summa Corporation, February, 1993.
11. Jerry B. Baxter, District Director, Caltrans District 7, letter to Con Howe, Director of Planning, City of Los Angeles, re Playa Vista Traffic Mitigation Measures, September 10, 1993.
12. Robert Goodell, Chief, Advance Planning Branch, Caltrans District 7; Memorandum to Tom Loftus, State Clearinghouse, re DEIR Playa Vista Phase I 90-0200 SUB (C) (CUZ) (CUB), March 22, 1993
13. Coastal Development Permits and Appeals: A-5-VEN-98-222(EMC Snyder); A-5-90-653 (Channel Gateway); 5-91-463 (Maguire Thomas); 5-91-463A2, 5-91-463R; 5-91-463R2: 5-00-139W; extended (October 1997), currently expired; 5-91-463, 5-91-463A2, 5-91-463R, 5-95-148, permit waiver 5-00-139W, 5-91-463, 5-98-164, A-5-PDR 99-130/5-99-151; [6-97-161](#),
14. Bolsa Chica Land Trust v. Superior Ct. (1999) 71 Cal. App. 4<sup>th</sup> 493.
15. City of Los Angeles City Engineer, Memorandum Public Works Review of ETI Report Titled “Subsurface Geo-chemical Assessment of Methane Gas Occurrences” for the Playa Vista project; file 1996-092; May 10, 2000
16. Victor T. Jones, Rufus J. LeBlanc, Jr., and Patrick N. Agostino, Exploration Technologies, Inc, Subsurface Geotechnical Assessment of Methane Gas

- Occurrences. Playa Vista First Phase Project. April 17, 2000. [Also referred to as the Jones Report or “the ETI report.”]
17. Camp Dresser and McKee 2000, “Soil gas sampling and analysis for portions of Playa Vista Areas A and C near Culver Boulevard Widening Project” 4 page geologic letter report to Maria P Hoyer dated 27 November, 2000 and signed by A. J. Skidmore and M. Zych (RG).
  18. City of Los Angeles, Office of the Chief Legislative Analyst, City Investigation of Potential Issues of Concern for Community Facilities District No 4, Playa Vista Development Project, March 2001.
  19. Mark Johnsson, Senior Geologist, California Coastal Commission, Memorandum: “Culver Boulevard Widening Project and Potential Soil Methane Hazards”
  20. Gustavo Ortega, C.E.G., C. HG., Memorandum, January 24, 2001 to Ron Kosinski, Additional Information LA-01-KP 48.9 ad KP 49.0 “addressing ...some comments with regard to underground methane gas anomalies found in the Playa Vista project.”
  21. City of Los Angeles Department of Building and Safety, Memorandum of General distribution, #92, Methane Potential Hazard Zones, March 19, 1991.
  22. California Department of Fish and Game, Memorandum: Extent of Wetlands in Playa Vista, December 1991.”
  23. California Coastal Commission, Memorandum: “Volume II Preliminary Working draft EIS/EIR Existing Conditions –Playa Vista March 5, 1998”
  24. City of Los Angeles General Plan Palms, Mar Vista Del Rey District Plan, –Playa Vista Area C Specific Plan;
  25. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 49104 (As Revised December 8, 1995)
  26. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 52092 (December 8, 1995)
  27. City of Los Angeles Tentative Tract Number 44668, Map and conditions of approval, May 4, 1987.
  28. Agreement in Settlement in Litigation in the 1984 case of Friends of Ballona Wetlands, et al. v. the California Coastal Commission, et al. Case No. C525-826
  29. Wetlands Action Network, Ballona Wetlands Land Trust and California Public Interest Research Group v. the United States Army Corps of Engineers.
  30. Judge Lew, Federal District Court, June 1996, decision in Wetlands Action Network et al v United States Army Corps of Engineers.
  31. Davis and Namson, Consulting Geologists, “An evaluation of the subsurface structure of the Playa Vista Project Site and Adjacent Area, Los Angeles, California”, November 16, 2000.
  32. California Regional Water Quality Control Board, Los Angeles Region, “Clean Up and Abatement Order No. 98-125, Playa Capital Company, LLC., and Playa Phase I Commercial Land Company, LLC.; 6775 Centinela Avenue Los Angeles, File No. 98-192.
  33. Sharon Lockhart, et. Al., Water Demand: Proposed Ballona Freshwater Wetland System; June 1991.

34. Camp, Dresser and McKee, Inc., Water Balance for the Proposed Freshwater Wetland system, Playa Vista, June 1991.
35. Land/Suitability Capability Study, A Summary Of The Significant Ecological Areas Report, Los Angeles County General Plan Revision Program, 1976.
36. England and Nelson, Los Angeles County Museum of Natural History; Los Angeles County Significant Ecological Areas Study, 1976.